APPLICATION FOR A STATE DESIGNATED, FEDERALLY APPROVED NO DISCHARGE AREA FOR WATERS IN WEST PENOBSCOT BAY SURROUNDING THE HARBORS OF CAMDEN, ROCKPORT, AND ROCKLAND – COASTAL WATERS BETWEEN NORTHEAST POINT AND OWLS HEAD

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INTRODUCTION

The Maine Department of Environmental Protection (MEDEP), is requesting that the United States Environmental Protection Agency (USEPA) allow the State's designation of the portion of West Penobscot Bay surrounding the harbors of Camden, Rockport and Rockland including the coastal waters between Northeast Point in Camden and Owls Head a No Discharge Area (NDA) pursuant to the 33 CFR Part 159 and 40 CFR Part 140. Figure 1 details the geographic extent of the proposed NDA. An NDA is a body of water in which the discharge of vessel sewage, whether treated or not, is prohibited.

The point sources of pollution to the proposed West Penobscot Bay No Discharge Area (WPBNDA) are well regulated by the Clean Water Act and the State's water quality laws, as well as regulations through the Coast Guard, the MEDEP, and the United State Environmental Protection Agency (USEPA). Maine has begun to address storm water contamination with an aggressive combined sewer overflow abatement plan, the enactment of the Storm water Management Law in 1998, and assumption of the federal stormwater program in 2001 and 2005. The MEDEP continues to identify and eliminate failing or illegal domestic waste water systems that discharge to the water, working closely with local municipal officials and the Department of Marine Resources (DMR). State environmental laws such as the Mandatory Shore land Zoning Act and the Natural Resources Protection Act are designed to control the development of sensitive coastal areas and to limit the amount of non-point source pollution. The state's Small Communities Grant Program (SCGP) funds the repair or replacement of many failing or illegal septic systems every year. Since its beginning in 1982, the SCGP has repaired or replaced approximately 3,500 septic systems throughout the state. The Overboard Discharge Grant Program (ODGP) is designed to eliminate approved discharges to targeted shellfish areas so those areas may be opened for harvesting. Since 1991, the ODGP has removed over 170 overboard discharge systems directly resulting in the opening of 4,500 acres of shellfish harvesting areas.

The proposed WPBNDA is located within the boundaries of the towns of Camden, Rockport, Rockland and Owls Head. The MEDEP in conjunction with municipalities and other interest groups have been working hard to reduce pollution going into WPBNDA along Maine's downeast coast and improve water quality in and around harbors, marinas and beaches. Revisions to Maine's Stormwater laws comprehensively address stormwater issues from development. The non-point source management program works through many venues, from flower shows to educate homeowners to contractor training, to educate people on the sources, impacts, and prevention measures for non-point source pollution. In the past 10 years over 37,940 acres of shellfish harvesting area have been opened statewide due to the elimination of landside overboard discharges and malfunctioning septic systems.

However, water quality issues remain including continued bacterial contamination. Sewage discharged from boats contributes to poor water quality, especially in poorly flushed embayments. Between 1970 and 2007, the number of registered boats on the Maine coast more than quadrupled to 65,000. Of the registered boats in coastal waters, it is estimated that approximately 7,000 use marine sanitation devices (MSDs) of some kind. These numbers do not include the significant transient boat traffic estimated to be nearly 8,000 boats per year, almost all of which are cruising boats equipped with MSDs. The percentage of those nearly 15,000 boats that are equipped with holding tanks (MSDIIIs) is unknown but is estimated to be nearly 98% (14,700).

Vessel sewage, like many other pollutants, can be harmful to the environment when it is not adequately treated. Sewage contains a high concentration of nitrogen, a substance that can

lead to algal blooms and low dissolved oxygen concentrations that can affect the health of fish, shellfish, and eelgrass beds. Sewage also contains bacteria and viruses that can make shellfish unsuitable for human consumption and make our beaches unsafe for swimming.

Every boat with an installed marine head (toilet) must have a US Coast Guard approved Marine Sanitation Device (MSD). The US Coast Guard tests and certifies MSDs as Type I, Type II, or Type III. A Type I MSD means a device that, under the test conditions, produces an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids. A Type II MSD means a device that, under the test conditions produces an effluent having fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter. Type III MSDs are holding tanks designed to prevent the overboard discharge of any sewage, treated or untreated; although, some Type III MSDs are equipped with a "y" valve that allows the operator to legally discharge stored sewage once the vessel is more than 3 miles offshore. Boats larger than 65 feet in length must use a Type II or Type III MSD, while boats under 65 feet can use a Type I, II or III MSD.

While Type I and Type II MSDs are designed to treat vessel sewage, they do not remove significant amounts of nitrogen from the waste before it is discharged. They also cannot remove all of the bacteria or viruses. Certain waters of high public and environmental value that require greater environmental protection than under existing laws, can be designated NDAs under the federal Clean Water Act. Because there is a risk that sewage may negatively impact these sensitive areas, all vessel sewage, even if treated by a Type I or Type II MSD, is prohibited from being discharged in NDAs.

As a result, the MEDEP feels it is appropriate to request designation of West Penobscot Bay region as a No Discharge Area. The area to be included in the designation includes all contiguous navigable waters. For a detailed description see Table 1.

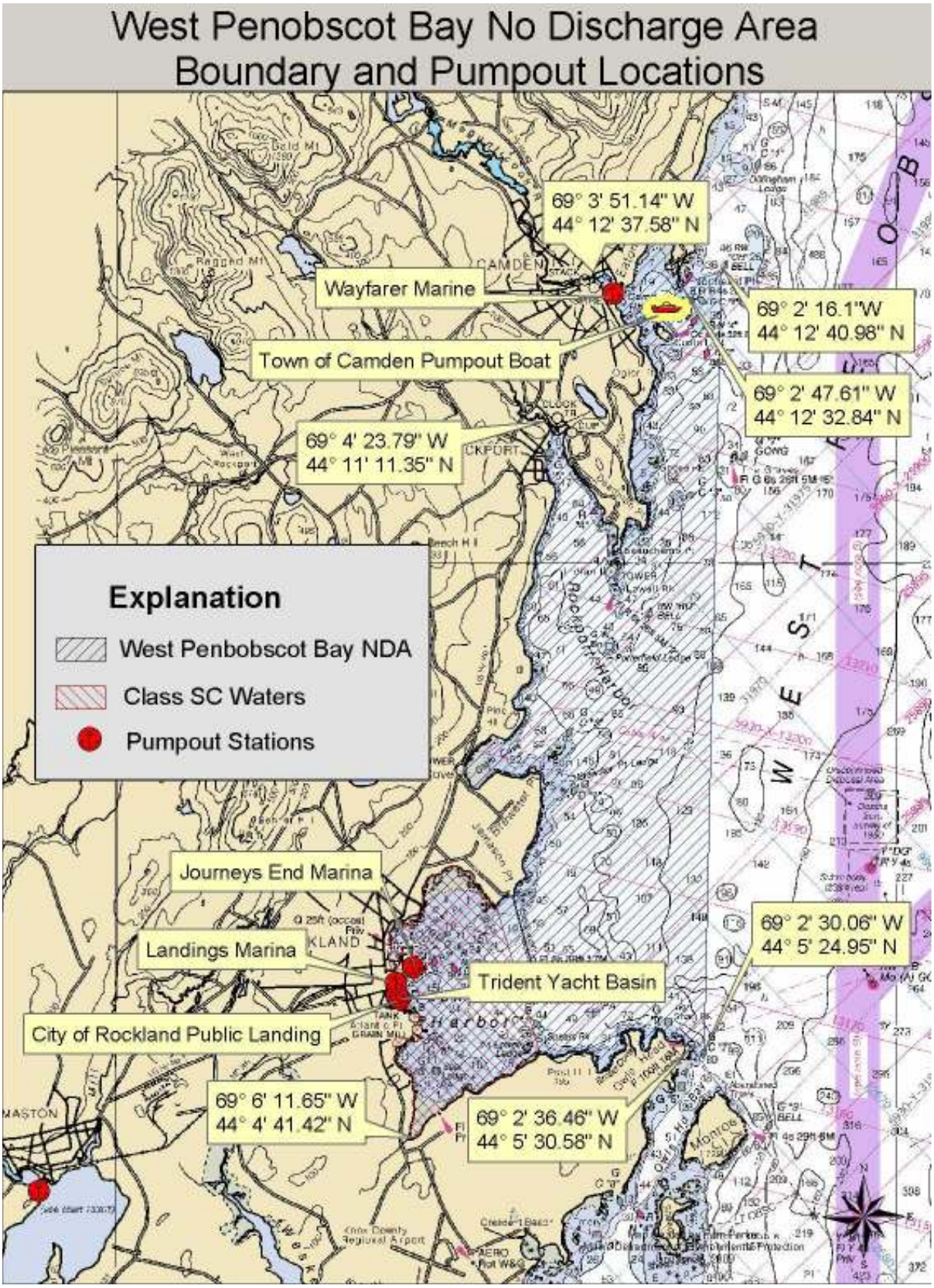
Table 1.

DESCRIPTION:

Waterbody/General Area	From Longitude	From Latitude	To Longitude	To Latitude
From USCG navigational aid red and white bell “CH” west across the water to Northeast Point in Camden:	69° 2' 16.1” W	44° 12' 40.98" N	69° 2’ 47.61” W	44° 12’ 32.84” N
From Northeast point west following the shore to the head of navigation in Camden Harbor at the mouth of the “Megunticook River” in Camden:	69° 2’ 47.61” W	44° 12’ 32.84” N	69° 3' 51.14” W	44° 12' 37.58" N
South following the shore to the head of navigation in Rockport Harbor and the mouth of the “Goose River” in Rockport:	69° 3' 51.14” W	44° 12' 37.58" N	69° 4’ 23.79” W	44° 11’ 11.35” N
South following the shore to the extent of navigation of Rockland Harbor and the mouth of the Unnamed stream in Rockland:	69° 4’ 23.79” W	44° 11’ 11.35” N	69° 6’ 11.65” W	44° 4’ 41.42” N
East following the shore to “Owls Head” in the town of Owls Head:	69° 6’ 11.65” W	44° 4’ 41.42” N	69° 2’ 36.46” W	44° 5’ 30.58N
East in a straight line across the water to USGC navigational green can “7”:	69° 2’ 36.46” W	44° 5’ 30.58N	69° 2' 30.06" W	44° 5' 24.95" N
North in a straight line across the water to USCG navigational aid red and white bell “CH”:	69° 2' 30.06" W	44° 5' 24.95" N	69° 2' 16.1” W	44° 12' 40.98" N

The boundaries were chosen based on easy line-of-sight locations and generally represent all navigational waters. See Figure 1

Figure 1.


West Penobscot Bay No Discharge Area
Boundary and Pumpout Locations
69° 3' 51.14" W
44° 12' 37.58" N
Wayfarer Marine
69° 2' 16.1"W
44° 12' 40.98" N
Town of Camden Pumpout Boat
69° 2' 47.61" W
44° 12' 32.84" N
69° 4' 23.79" W
44° 11' 11.35" N
Explanation
West Penobscot Bay NDA
Class SC Waters
Pumpout Stations
Journeys End Marina
69° 2' 30.06" W
44° 5' 24.95" N
Landings Marina
Trident Yacht Basin
City of Rockland Public Landing
69° 6' 11.65" W
44° 4' 41.42" N
69° 2' 36.46" W
44° 5' 30.58" N

CERTIFICATION OF NEED

The proposed WPBNDA coastal area constitutes almost 17 square miles of marine habitat. The intertidal zone includes a diverse array of habitats from rocky shore to large amounts of wetlands and salt marshes and flats. Due to topography and wide tidal variations characteristic of the Gulf of Maine, intertidal areas in Maine are the most extensive along the Atlantic Coast of the United States. Rocky shoreline predominates the region, but there are a some isolated patches of eel grass beds and two small sand beaches WPBNDA. In the proposed NDA there are approximately 450 acres of wetlands.

The wetlands are comprised of fringing wetlands and mud flats. The wetlands are also identified as wading bird feeding habitat. There are a number of small mud flats in the WPBNDA. Flats are particularly important environments because they support a rich and abundant animal community. Changes in water quality from point and non-point sources of pollution can dramatically negatively affect mud flats, by changing community of animals which live in the substrate of a body of water, often on the ocean floor. Shorebirds, waterfowl, and wading birds feed on flats and in the creeks and shallow subtidal areas near flats and the open waters. The Maine DMR has recorded salt marshes and mud flats as being critical feeding grounds for many species of migrating and resident shorebirds.

Virtually all of the WPBNDA is identified as a High Value Wildlife Habitat by the US Fish and Wildlife Service. Besides providing feeding habitat for raptors such as falcons, hawks and eagles, there are shorebird roosting and feeding areas as well as tidal waterfowl and wader habitat. Waterfowl including many species of ducks and geese, loons, six species of heron, two species of egrets and glossy ibis frequent this area. The WPBNDA contains the essential habit for bald eagles which are listed as threatened by the state of Maine. Details of the resources in the WPBNDA can be found in Figure 2.

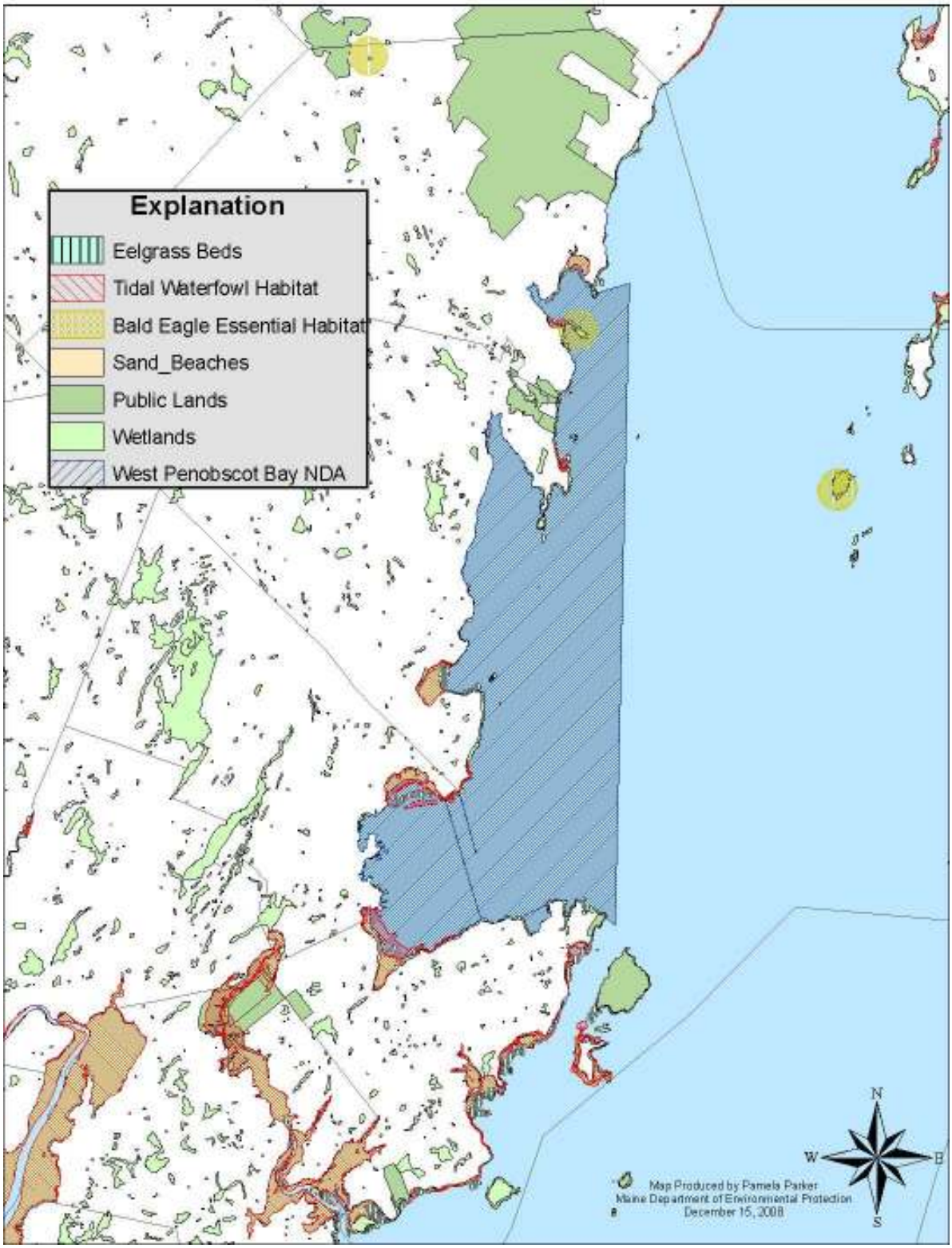
From an economic standpoint, the shellfish harvesting areas are an important and valuable resource. However, 100% of the total resource is closed to shellfish harvesting due to actual or threatened bacterial contamination.

Water Quality

The waters contained within the WPBNDA are classified under Maine's water classification program and Class SB and Class SC. Class SB waters are suitable for recreation in and on the water, fishing, and aquaculture and are generally defined as being unimpaired. Class SC waters are the lowest classification of marine and estuarine waters in the state and constitute waters that are suitable for the same uses as class SB waters but have a lower quality standard for enterococcus bacteria. Only the inner portion of Rockland harbor is identified as Class SC and is identified in Figure 1. There are two beaches in the WPBNDA that are monitored as part of the Maine Healthy Beaches Program. Laite Beach on the southern end of Camden Harbor was monitored through 2008 and was found to often have measurable levels of enterococcus bacteria consistently, and on June 17th 2008 recorded a high for the year of 1014 colonies/100ml. The Camden Yacht Club around the corner from Laite beach also monitors water quality as found similarly consistent measurable levels of bacteria reaching a high of 5794 colonies/100ml of enterococci on June 5th, 2008. Sandy Beach in Rockland harbor has historically experienced closures or advisories on 14 days due to bacterial contamination, but 2008 revealed good water quality the entire season due to better management of the city CSO near the beach and non-point sources.

Figure 2.

West Penobscot Bay No Discharge Area
Shellfish and Land Resources



Recreational

The WPBNDA is adjacent to a number of small state parks including the Clam Cove Scenic Area in Rockport, and the Owls Head Regional Recreation Area. The public accessibility of these parks along with the local beaches and the outstanding natural resources surrounding the entire area make the WPBNDA a very popular destination for sea kayakers, bird watchers and outdoor enthusiasts or all types.

There is one large marina and boat repair facility in Camden, an active yacht club and good public boating facilities supporting 268 resident and transient vessels. Rockport contains a boatyard and a large City owned park and waterfront facility that serves as a docking point for a number of local tourist and sightseeing boats resulting in 150 boats. Rockland is home to 3 marinas, 2 significant boat repair facilities, working fishing wharves and a significant city waterfront operation resulting in a total of 733 vessels. Due to the area's scenic location, boating facilities, and on-shore attractions, it is a very popular destination for transient and local boaters alike.

Scenic day and overnight tours are a staple of the local economy in the WPBNDA. At least 18 coastal schooners operate from the three harbors, comprising most of the Maine "windjammer" fleet. Some of the schooners, like the Olad and Heron offer day trips, while the balance offer scenic coastal trips from 4-7 days and are available for special occasion charter. There are two identified charter fishing trip companies and six kayak tour companies that routinely operate out of the proposed NDA.

Finally, the Maine State ferry service to the islands Vinlhaven and North Haven runs out of Rockland, providing car, equipment, and personal gear transport 365 days a year. See Figure 2 for recreation areas.

PUMPOUT FACILITIES

Background

Since 1993, Maine has worked toward increasing the availability of boat pump-out stations along the coast and increasing the public's awareness of the facilities through the Federal Clean Vessel Act funding. Until 1998, the grants were administered by the State Planning Office (SPO). Starting in 1999, the grant program has been administered by the MEDEP.

The MEDEP has been successful in a number of ways but there is plenty of work yet to be done due to rapidly increasing recreational boat traffic along the coast. The state has tripled the number of pump-outs available on the coast and, through education and outreach materials, has increased the level of pump-out use throughout the coast.

In 2000, MEDEP compiled an inventory and ranked all the roughly 350 navigable harbors in the state according to the number of boats normally sheltered, the harbor flushing capability, the presence of sensitive habitats, and the presence or absence of other known sources of pollution. After ranking, the MEDEP identified the top 100 as "significant" or "priority" harbors. After reviewing the pumpout priority list and discussing the feasibility of pumpout installation in some more remote areas of the coastline, *the MEDEP has concluded that the pumpout station goal should be to have pumpout within 4 miles of all the priority harbors*. Achieving this goal would ensure that a pumpout station is within one hour of all the significant harbors in the State.

Table 2. Pumpout Station Location and Accessibility

Town	Name	PO Type	Phone	Hours of Operation	VHF	Address	MLW Depth/ Length & Hight Restrictions	Disposal	Fee/ Funding
Camden	Town of Camden Harbormaster	Pumpout Boat	207 236-3353	8-5 7 days/ week	16	Town Landing	N/A	Sewer via Wayfarer pumpout	$5 Public
Camden	Wayfarer Marine	Stationary	207 236-4378	8-8, 7 days/ week	9	59 Sea Street	10 ft None	Sewer	$5 Public
Rockland	Journey's End Marina	Stationary	207 594-4444	8-5, 7 days/ week	9	120 Tilson Ave	8 ft None	Sewer	$5 Public
Rockland	Landings Marina	Stationary	207 596-6573	9-5, 7 days/ week	9	Commercial Street	5 ft None	Sewer	Variable Private
Rockland	City of Rockland	Stationary	207 594-0312	9-5, 7 days/ week	9	Rockland Public Landing	6 ft None	Sewer	$5 Public
Rockland	Trident Yacht Basin	Stationary	207 236-8100	9-5, 7 days/ week	9	60 Ocean Street	23 ft None	Sewer	$5 Public

As a tool for pumpout station installation, MEDEP has 38 M.R.S.A. §423-B. This section of law requires coastal marinas over a certain size to have operational pumpouts. All coastal marinas having a total of 18 or more slips and/or moorings for boats greater than 24 feet in length meet the threshold for pumpout requirement. All facilities that have installed a pumpout system and are subject to §423-B are also required to maintain their system in good working order. Facilities with pumpouts that are not subject to the requirements of §423-B but have received grant funds for their pumpout system are required to maintain their systems or refund a portion of the grant money they received. Since 2001, the MEDEP has conducted regular annual inspections of all pumpout systems to ensure that they function properly.

A. Location

There are 5 stationary pumpout stations and one pumpout boat serving boaters in the WPBNDA. The stationary systems are located at the municipal dock, the Landings Marina, the Trident Yacht Basin and Journeys End Marina in Rockland, and Wayfarer Marine in Camden. The Camden pumpout vessel serves both Camden and Rockport Harbors. The City of Rockport is considering installing a stationary pumpout as well. The location of the pumpout stations can be found on Figure 1.

B. Accessibility

Operating hours, contact information, pumpout system type, boat height and depth limitations are noted in Table 1. All pumpout facilities in the WPBNDA are accessible and functional at high and low tides and have little to impede tall vessels. Large commercial passenger vessels in Camden and Rockport can be served by the pumpout boat. Commercial vessels in Rockland are most easily serviced at the Rockland municipal dock or at Journey's End Marina. Particularly large commercial vessels can be served on the eastern side of the Trident Yacht Basin breakwater

C. Vessel population and usage

Data used in this application were collected through harbormaster boat registries as reported through a standard survey form and were confirmed by visual boat counts from aerial photography conducted by ME DEP staff. The harbor master data was expected to be the most representative of the normal conditions in the harbors. Any differences among the data sets can be attributed to seasonal and yearly fluctuation.

Recreational Vessels

In the WPBNDA there are roughly 968 recreational vessels with the majority being located in Rockland Harbor. The vessels appear to be 190 privately owned recreational craft, ranging from under 16' to over 40 feet. In Rockland, most of the vessels are kept on private moorings and are used by local residents. There is limited transient boat traffic due to the busy, commercial nature of the harbor. There are two large marinas, Journey's End and the Landings Marina, both offering fuel, overnight transient and seasonal slips, and a limited number of moorings. Journey's End is also a full service boat repair facility and the Landings Marina is associated with a restaurant. The Trident Yacht Basin is a new marina facility on the south end of Rockland Harbor, though limited in size currently, there are plans to increase number of slips to close to 60. In Rockport, almost all of the recreational vessels are locally owned. Rockport Marine operates out of the head of the harbor providing service and fuel. Transient traffic in

Rockport is limited. Wayfarer Marine manages most of the transient moorings in Camden Harbor along with a limited number of slips that are normally assigned to regular customers. There are other private moorings in the large mooring field of the outer harbor as well as moored docks in the inner harbor. Camden is a very popular destination for transient boaters due to the picturesque village, close amenities, and service potential. Both Wayfarer Marine and the Camden Yacht Club offer launch service to boaters on the rental moorings. Camden Yacht club also runs an active sailing program from their docks on the south side of the harbor. The breakdown of recreational vessels by harbor can be found in Table 3.

Table 3. Recreational Vessel Counts, Lengths, and Location

Boat Lengths in Camden	**Boat Length**				**Total #**
	< 16'	**16' – 25'**	**26' – 40'**	**> 40'**	
Moored	10	50	100	50	210
Docked				2	2
Transient				3	3
Total:	10	50	100	55	215

Boat Lengths in Rockport	**Boat Length**				**Total #**
	< 16'	**16' – 25'**	**26' – 40'**	**> 40'**	
Moored	5	12	16	6	39
Docked	7	8	9	1	25
Transient	1	4	16	30	51
Total:	13	24	41	37	115

Boat Lengths in Rockland	**Boat Length**				**Total #**
	< 16'	**16' – 25'**	**26' – 40'**	**> 40'**	
Moored	5	85	305	48	443
Docked	10	26	37	32	105
Transient		2	70	18	90
Total:	15	113	412	98	638

Commercial Vessels

Based on harbor master data there appear to be 183 commercial vessels in the WPBNDA consisting of ferry boats, tour boats and a significant number of fishing vessels. Camden berths 9 coastal passenger schooners, 8 are berthed in Rockland and one routinely operates out of Rockport. There appear to be two charter fishing companies in the area, one operates out of Camden and one out of Rockland. The Maine State ferry service and the coast Guard vessels located in Rockland are included in the commercial vessel calculations and total roughly 12. The balance of the commercial vessels are fishing boats ranging from 15 to over 80 feet and are comprised of lobster boats, draggers, and net fishing vessels. Occasionally, large fish processing vessels will be berthed in Rockland. Details of the commercial boat population can be found in Table 4.

All ferries and most excursion boats over 25 feet have heads on board and Type II or Type III MSDs. The presence of heads on fishing boats is variable, but for the purposes of this application MEDEP is assuming all commercial fishing boats are equipped with heads. This is probably a significant over estimate because, according to data provided by the Maine Lobsterman's Association, less than 10% of all lobster boats are equipped with installed heads or porta-potties.

Table 4. Commercial Vessel Counts, Lengths, and Location

Boat Lengths in Camden				**Total #**
< 16'	**16' – 25'**	**26' – 40'**	**> 40'**	
0	10	20	23	53
Boat Lengths in Rockport				**Total #**
< 16'	**16' – 25'**	**26' – 40'**	**> 40'**	
8	0	0	27	35
Boat Lengths in Rockland				**Total #**
< 16'	**16' – 25'**	**26' – 40'**	**> 40'**	
15	15	25	40	95

Commercial vessels have access to the Journeys End Marina, the Rockland town landing, Wayfarer Marine or the Town of Camden pumpout boat. The Maine State Ferry Service and the Coast Guard station have septage hauling trucks come to the terminals to service their vessels. Large vessels, up to roughly 130' that are unable to be serviced by the standard pumpout stations can be served on the eastern side of the Trident Yacht Basin breakwater.

Vessels with Heads and MSDs

Table 5 details the total number of recreational and commercial vessels expected to have heads and, consequently, MSDs. The calculations used to determine vessels with MSDs was based on data developed by the Urban Harbors Institute with the exception of anomalous data in the under 16 foot range due to survey ambiguity. For the purposes of this application, MEDEP will use the following percentages and will assume that all vessels with heads are equipped with an MSD.

0% of vessels less than 16' had MDSs
12% of vessels 16-25' have MSDs
86% of vessels 26-40' have MSDs and
95% of vessels over 40' have MSDs.

Table 5. Estimated Total Vessels with MSDs

	Estimated Number of Vessels with MSDs in Camden				
	< 16'	**16' – 25'**	**26' – 40'**	**> 40'**	**Total**
Total Boats	10	60	120	78	268
Estimated # without heads	10	53	17	2	82
Estimated # with heads	0	7	103	76	186

	Estimated Number of Vessel with MSDs In Rockport				
	< 16'	**16' – 25'**	**26' – 40'**	**> 40'**	**Total**
Total Boats	21	24	41	64	150
Estimated # without heads	21	21	6	1	49
Estimated # with heads	0	3	35	63	101

	Estimated Number of Vessel with MSDs in Rockland				
	< 16'	**16' – 25'**	**26' – 40'**	**> 40'**	**Total**
Total Boats	30	128	437	138	733
Estimated # without heads	30	113	61	3	207
Estimated # with heads	0	15	376	135	526

In order to provide some estimation of the number of vessels that may need to be converted to Type III MSDs from their existing Type I or Type II, MEDEP used information from the Casco Bay No Discharge Area boater survey conducted in 2007 which found that 98% of vessels with heads were equipped with a Type III MSD. The results of these calculations can be found in Table 6.

Table 6. Estimated Total Number of Type III MSDs

	Total Boats in the West Penobscot Bay NDA				Total #
	< 16'	16' – 25'	26' – 40'	> 40'	
Total Boats with Heads	0	25	514	274	813
Estimated # of Type I and II MSDs	0	0	10	5	15
Estimated # of Type III MSDs	0	25	504	269	798

Based on these calculations there are approximately 190 boats with heads in the WPBNDA and 186 of those already have a Type III MSD. The MEDEP concludes there are adequate pumpout stations capacity to service all the vessels within the WPBNDA. If any areas appear to be underserved, MEDEP will work with the community to improve pumpout capability. Further, it appears that the burden of vessel conversion to a Type III MSD will be minimal to the local boaters.

PUBLIC EDUCATION AND ENFORCEMENT

Education and enforcement plays an important role in the successful implementation of an NDA. The prohibition on discharging boat sewage in an NDA applies to all vessels, commercial and recreational, regardless of the Type of MSD on board. Information on and enforcement of federal laws related to MSDs is the responsibility of the US Coast Guard. States also have the authority to enforce the prohibition of vessel sewage discharges in NDAs, pursuant to 33 CFR Part 159. In the State of Maine the Maine Marine Patrol, part of the Department of Marine Resources, the Maine Wardens Service, part of the Department of Conservation, the State Police and some harbormasters have enforcement authority for watercraft.

MEDEP produces a pumpout brochure annually that identifies all the pumpout locations along the coast. These pamphlets are distributed to all facilities with pumpout stations along with other boatyards and marinas. The MEDEP allocates at least $7500 a year from the Clean Vessel Act Grant to education and outreach efforts.

MEDEP will work with municipalities and marinas to provide and install adequate signage informing boaters of the NDA and will provide template language to help marinas and boatyards communicate the requirements to their customers. Further, the MEDEP will conduct direct mailings to registered boat owners in the towns surrounding the NDA. Cruising guides, local newspapers and boating magazines will all be informed of the changes with press releases and regular advertisements.

Prior to implementation of the NDA and then after the first year of the NDA, MEDEP plans to conduct an informal survey during the following boating season to determine the level of awareness among the boating public. Based on the results of the survey, Maine DEP will either perform additional outreach efforts targeted at the populations that seem to be less informed or will proceed with a small targeted enforcement project in cooperation with the local harbor master, the Marine Patrol and the Coast Guard. The purpose of the targeted enforcement project will be to 1) determine compliance trends and 2) get the word out that the NDA will be enforced 3) refine enforcement tools and methods. The enforcement team will try a variety of methods including boarding and inspection (particularly for resident boats in slips), and dying heads and holding tanks. The results of the enforcement project will be publicized with a press release and further public education efforts. Based on the indication of overall compliance

revealed in the project the DEP will create an overall enforcement strategy that is reasonable and implement able on the local level.

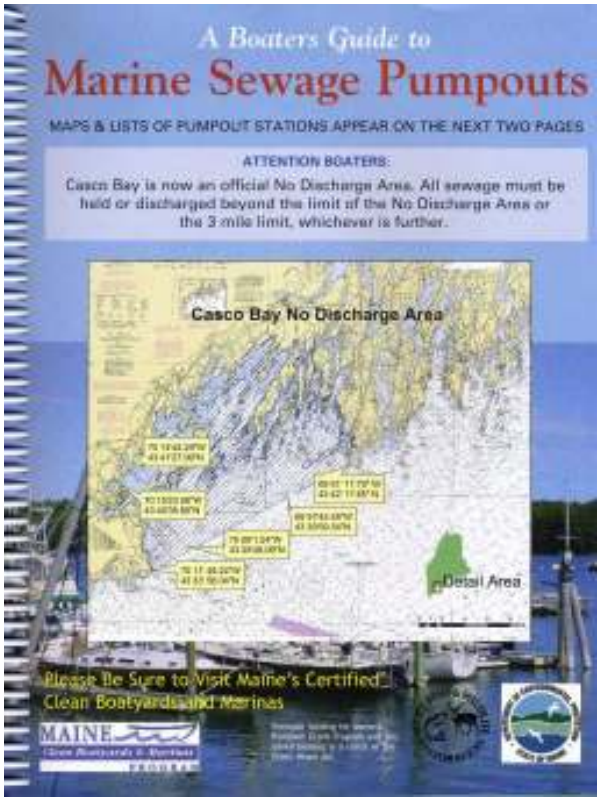
References

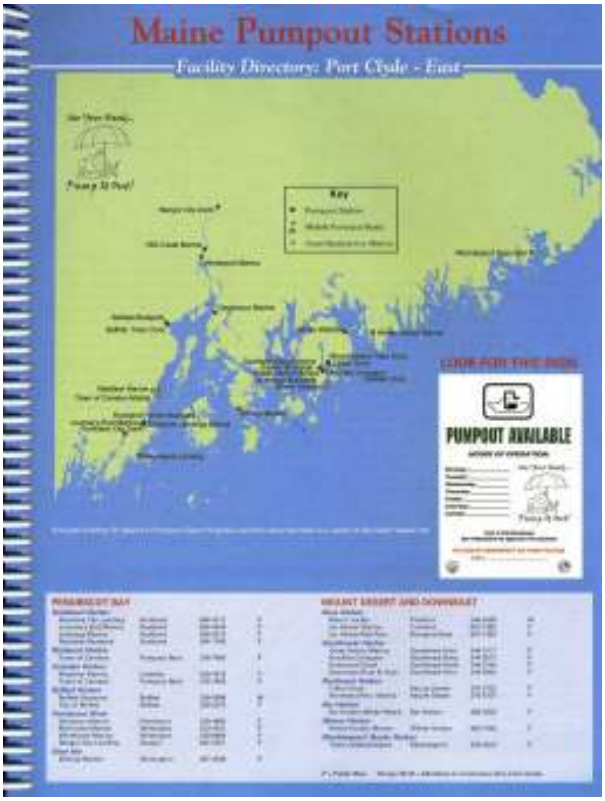
"South Shore Pumpout Evaluation & Outreach Plan", Urban Harbors Institute and North & South Rivers Watershed Association, Boston, MA, June 2004

This report is available online at www.uhi.umb.edu

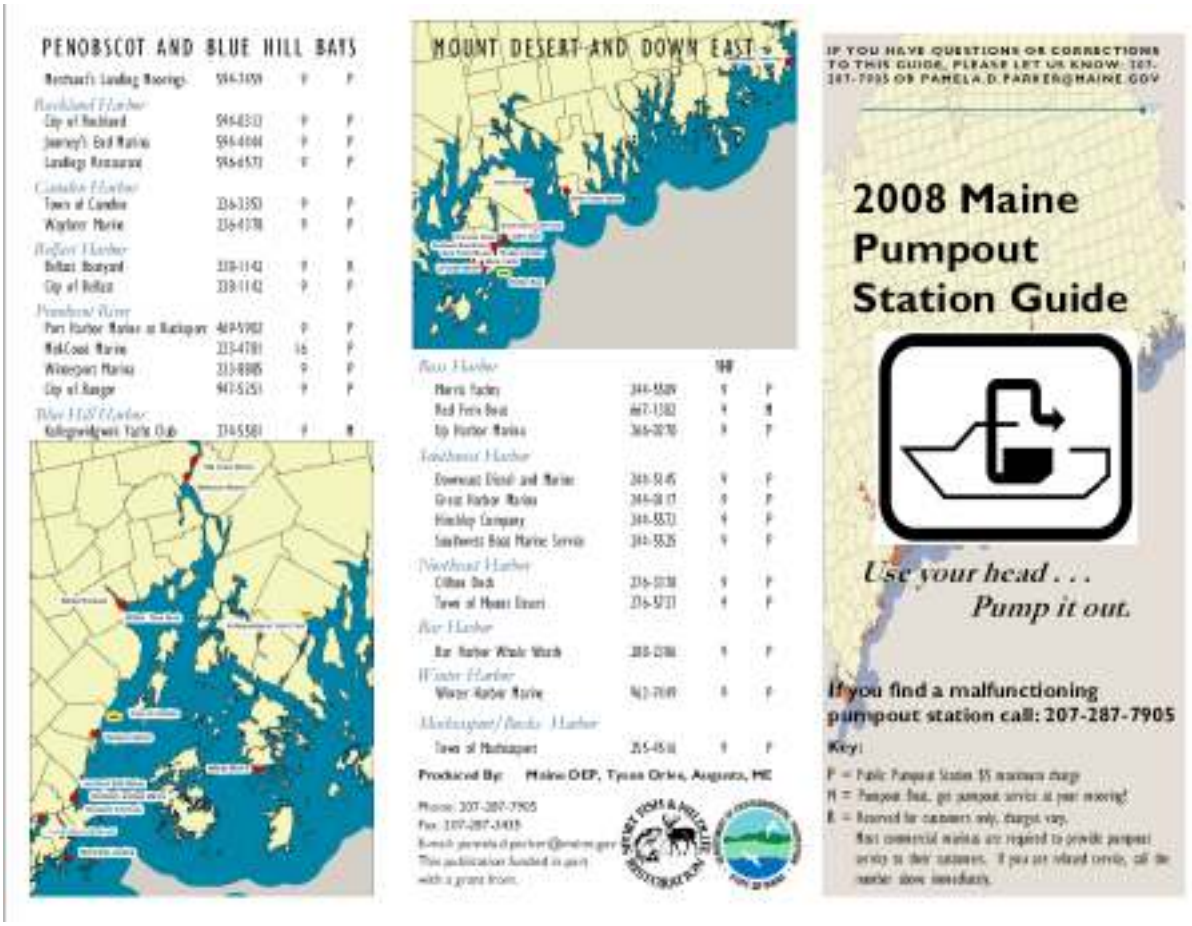
APPENDIX A
Sample Educational Materials

Maptech Embassy Cruising Guide to the New England Coast 7th Edition 2007

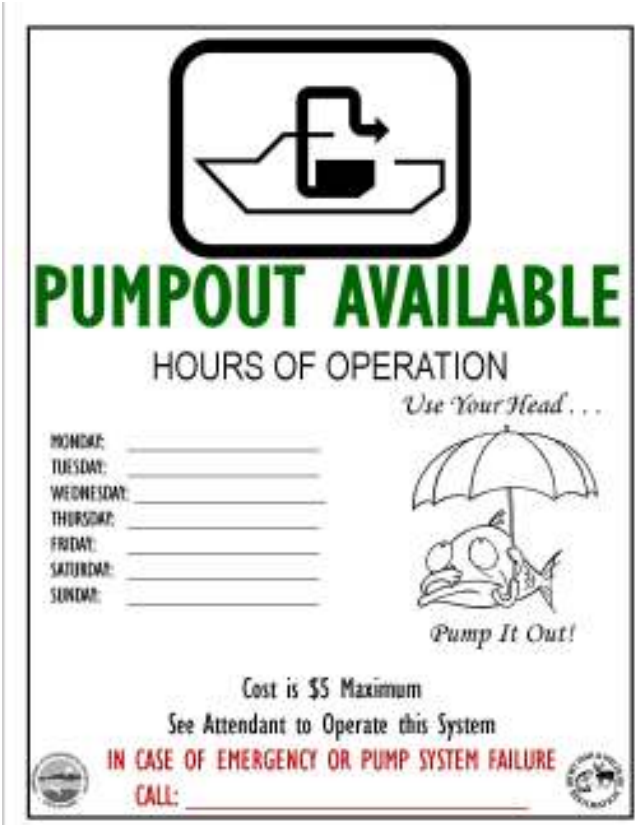


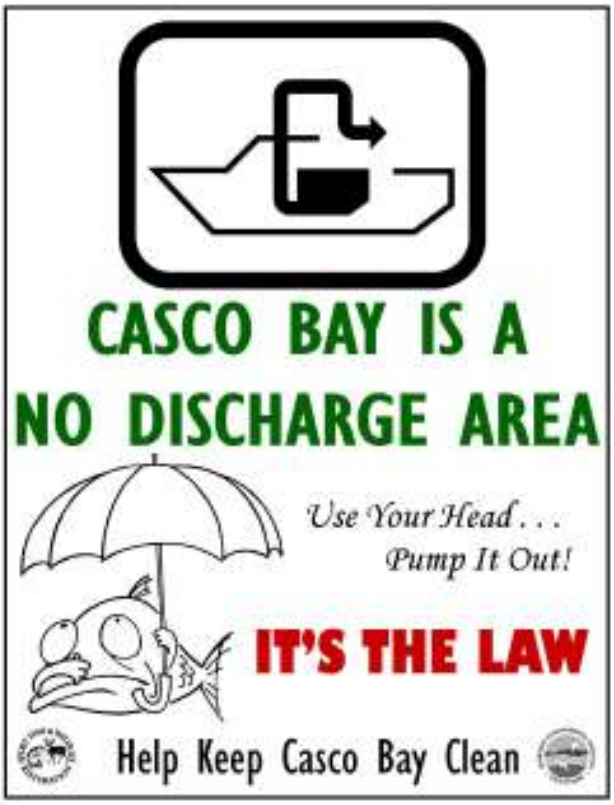


Maine Pumpout Guide Published Annually



USEPA No Discharge Area Information Pamphlet





Sample informational letters

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

November 7, 2007

RE: Proposed No Discharge Areas

Dear Commercial Passenger Vessel Owners:

The Maine Department of Environmental Protection (DEP) has been working with communities for over 30 years to address sewage, storm water and non-point source pollution and together, we have made significant improvements in Maine's water quality. Because of the success in controlling large discharges, the DEP has been able to focus more attention on smaller, less obvious wastewater pollution sources. One of those potential sources of pollution is the sewage from recreational boaters. We have estimated that the discharge of raw sewage from boats could contribute the same amount of bacteria into a waterbody as the treated discharge from a town of 10,000 people. Increased monitoring of marine bacteria levels in conjunction with the Maine Healthy Beaches Program has yielded data that appears to support the link between recreational boats and increased bacteria levels. The DEP has set a goal of adding NDA designations to a number of Maine harbors and coastal waters every year. To that end, we would like to enlist you as a partner in the effort to eliminate this potential pollution source thereby adding protection to our valuable shellfish and aquaculture assets. We are in the process of preparing applications to the Environmental Protection Agency for No Discharge Area (NDA) designations under 40 CFR Sections 312 (f)(3), 312 (j)(1)(B)(ii), and 312 (j)(1)(D) of all the navigable waters of Camden Harbor, Rockland Harbor, Rockport Harbor, Boothbay Harbor proper, Northeast Harbor, Southwest Harbor and the Wiscasset River/Kennebunk River area.

For the past 7 years, the DEP has managed the Maine Pumpout Grant Program, which has successfully doubled the number of boat holding tank pumpout stations along the coast. We have also educated the boating public on the importance of good sewage management through cruising guides, information sheets, pumpout lists, and boat/trade shows. As you probably heard at the time, in August of 2000, in part due to the success of the pumpout grant program, all of Casco Bay became a federally designated No Discharge Area (NDA). No Discharge Areas are bays or harbors where no vessel sewage, treated or untreated, can be discharged. Implementation of NDAs generally results in improved water quality and greater boater stewardship of the designated areas and fuel/water enforcement of vessel discharge laws. Many harbors and bays in New England are designated NDAs, including the entire coastline of Connecticut and Rhode Island, Buzzards Bay in Massachusetts, and all New Hampshire waters.

The application process to the Environmental Protection Agency takes a number of months, so we are starting the process this fall to the hopes of the harbors being designated next summer. At this time, we are seeking your input and support. Although not essential, we sincerely want this to be a cooperative effort. In the several months, we will be gathering data on boat populations and usage that is submitted to the EPA as part of the NDA petition. We hope to submit the applications in February, 2008.

If designated, NDAs in these harbors would mean greater pumpout system outreach and greater scrutiny of all boat waste. The DEP will also be seeking input on an education and enforcement plan specific to each harbor. As stewards of Maine's productive marine resources, your input and participation in the NDA process will be invaluable.

I would like to hear from you regarding the DEP's plan for these NDAs. I have included the DEP's NDA fact sheet for your information. If you have questions, please do not hesitate to contact me at 287-7065 or pamela.fowler@maine.gov. Please send written comments to me at the address below by November 30, 2007. I look forward to hearing from you.

Sincerely,

Pamela Fowler
No Discharge Area and Pumpout Grant Program Coordinator
Maine Department of Environmental Protection
17 SHS
Augusta, ME 04333-0017

pc: David Ekster, OMR
Ann Rodney, USEPA
Town of Boothbay Harbor
Town of Camden
Town of Kennebunk
Town of Kennebunkport
Town of Mount Desert
Town of Rockland
Town of Rockport
Town of Southwest Harbor
Town of Wells

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

November 7, 2007

RE: Proposed No Discharge Areas

Dear Fishermen:

The Maine Department of Environmental Protection (DEP) has been working with communities for over 30 years to address sewage, storm water and non-point source pollution and together, we have made significant improvements in Maine's water quality. Because of the success in controlling larger discharges, the DEP has been able to focus more attention on smaller, less obvious wastewater pollution sources. One of those potential sources of pollution is the sewage from recreational boaters. We have estimated that the discharge of raw sewage from boats could contribute the same amount of bacteria into a waterbody as the treated discharge from a town of 10,000 people. Increased monitoring of marine bacteria levels in conjunction with the Maine Healthy Beaches Program has yielded data that appears to support the link between recreational boats and increased bacteria levels. The DEP has set a goal of adding NDA designations to a number of Maine harbors and coastal waters every year. To that end, we would like to enlist you as a partner in the effort to eliminate this potential pollution source thereby adding protection to our valuable shellfish and aquaculture assets. We are in the process of preparing applications to the Environmental Protection Agency for No Discharge Area (NDA) designation under 40 CFR Sections 312 (D)(3), 312 (D)(4)(A), and 312 (D)(4)(B) of all the navigable waters of Camden Harbor, Rockland Harbor, Rockport Harbor, Boothbay Harbor proper, Northeast Harbor, Southwest Harbor and the Wohlfeasteet River/Goosebuck River area.

For the past 7 years, the DEP has managed the Maine Pumpout Grant Program, which has successfully doubled the number of boat holding tank pumpout stations along the coast. We have also educated the boating public on the importance of good sewage management through cruising guides, information sheets, pumpouts fests, and boat/trade shows. As you probably heard at the time, in August of 2006, in part due to the success of the pumpout grant program, all of Casco Bay became a federally designated No Discharge Area (NDA). No Discharge Areas are bays or harbors where no vessel sewage, treated or untreated, can be discharged. Implementation of NDAs generally results in improved water quality and greater boater stewardship of the designated areas and facilitates enforcement of vessel discharge laws. Many harbors and bays in New England are designated NDAs, including the entire coastline of Connecticut and Rhode Island, Buzzards Bay in Massachusetts, and all New Hampshire waters.

The application process to the Environmental Protection Agency takes a number of months, so we are starting the process this fall in the hopes of the harbors being designated next summer. At this time, we are seeking your input and support. Although not mandated, we sincerely want this to be a cooperative effort. In the several months, we will need data from the harbormasters and marinas on boat populations and usage that is submitted to the EPA for their review of the NDA petition. We hope to submit the application for your area in February, 2008.

If designated, a NDA in your harbor would mean greater pumpout system demand. It will be essential for all pumpout stations locations to maintain the pumpout stations well, and repair them promptly if they break. To this end, the DEP is pursuing a pilot program in Casco Bay that would provide pumpout station inspection and maintenance free of charge to the facility. If this program is successful for all involved, the DEP would pursue the same arrangement in all NDAs. The DEP will also be seeking input on an education and enforcement plan specific to your harbor.

I would like to hear from you regarding the DEP's plan for a NDA in your area. I have included the DEP's NDA fact sheet for your information. If you are interested in purchasing or upgrading a pumpout station, I am happy to send you out a grant application package. If you have questions, please do not hesitate to contact me at 287-7693 or pamela.d.parker@maine.gov. Please send written comments to me at the address below by November 30, 2007. I look forward to hearing from you.

Sincerely,

Pamela Parker
No Discharge Area and Pumpout Grant Program Coordinator
Maine Department of Environmental Protection
17 SHS
Augusta, ME 04333-0017

PC: Ann Rodney, USEPA
Town of Boothbay Harbor
Town of Camden
Town of Kennebunk
Town of Kennebunkport
Town of Mount Desert
Town of Rockland
Town of Rockport
Town of Southwest Harbor
Town of Wells

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

November 7, 2007

RE: Proposed No Discharge Area for your harbor.

Dear Boatyard or Marina:

The Maine Department of Environmental Protection (DEP) has been working with communities for over 30 years to address sewage, storm water and non-point source pollution and together, we have made significant improvements in Maine's water quality. Because of the success in controlling larger discharges, the DEP has been able to focus more attention on smaller, less obvious wastewater pollution sources. One of those potential sources of pollution is the sewage from recreational boaters. We have estimated that the discharge of raw sewage from one cruising boat could contribute the same amount of bacteria into a waterbody as the treated discharge from a town of 10,000 people. Increased monitoring of marine bacteria levels in conjunction with the Maine Healthy Beaches Program has yielded data that appears to support the link between recreational boats and increased bacteria levels. The DEP has set a goal of adding NDA designations to a number of Maine harbors and coastal waters every year. To that end, we would like to enlist you as a partner in the effort to eliminate this potential pollution source thereby adding protection to our valuable shellfish and recreational swimming assets. We are in the process of preparing applications to the Environmental Protection Agency for No Discharge Area (NDA) designation under 40 CFR Sections 312 (D)(3), 312 (D)(4)(A), and 312 (D)(4)(B) of all the navigable waters of Camden Harbor, Rockland Harbor, Rockport Harbor, Boothbay Harbor proper, Northeast Harbor, Southwest Harbor and the Wohlfeasteet River/Goosebuck River area.

For the past 7 years, the DEP has managed the Maine Pumpout Grant Program, which has successfully doubled the number of boat holding tank pumpout stations along the coast. We have also educated the boating public on the importance of good sewage management through cruising guides, information sheets, pumpouts fests, and boat/trade shows. As you probably heard at the time, in August of 2006, in part due to the success of the pumpout grant program, all of Casco Bay became a federally designated No Discharge Area (NDA). No Discharge Areas are bays or harbors where no vessel sewage, treated or untreated, can be discharged. Implementation of NDAs generally results in improved water quality and greater boater stewardship of the designated areas and facilitates enforcement of vessel discharge laws. Many harbors and bays in New England are designated NDAs, including the entire coastline of Connecticut and Rhode Island, Buzzards Bay in Massachusetts, and all New Hampshire waters.

The application process to the Environmental Protection Agency takes a number of months, so we are starting the process this fall in the hopes of the harbors being designated next summer. At this time, we are seeking your input and support. Although not mandated, we sincerely want this to be a cooperative effort. In the several months, we will be gathering data on boat population and usage that is submitted to the EPA as part of the NDA petition. We hope to submit the application in February, 2008.

If designated, NDAs in these harbors would mean greater pumpout system demand and greater scrutiny of all boat waste. The DEP will also be seeking input on an education and enforcement plan specific to each harbor. As stewards of Maine's scenic coastal resources, your input and participation in the NDA process will be invaluable.

I would like to hear from you regarding the DEP's plan for these NDAs. I have included the DEP's NDA fact sheet for your information. If you have questions, please do not hesitate to contact me at 287-7905 or pamela.d.parker@maine.gov. Please send written comments to me at the address below by November 30, 2007. I look forward to hearing from you.

Sincerely,

Pamela Parker
No Discharge Area and Pumpout Grant Program Coordinator
Maine Department of Environmental Protection
17 SHS
Augusta, ME 04333-0017

PC: David Shaw, DMR
Ann Rodney, USEPA
Town of Boothbay Harbor
Town of Camden
Town of Kennebunk
Town of Kennebunkport
Town of Mount Desert
Town of Rockland
Town of Rockport
Town of Southwest Harbor
Town of Wells

APPENDIX C
Pumpout Facility Photos

City of Rockland Pumpout Station

Journey's End Marina Pumpout

Landings Marina Pumpout Station

Wayfarer Marina

Town of Camden Pumpout Boat